

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

AARON MOULTRIE, *et al.*

Case No. 3:21-cv-00333-MMD-WGC

Plaintiffs,

ORDER

THE BRIDGE LUXURY APARTMENT

Defendant.

11 Pro se Plaintiffs Aaron Moultrie and Jasmine Montalvo bring this civil rights action
12 against The Bridge Luxury Apartment. (ECF No. 1-1.) Moultrie has also filed an
13 application to proceed *in forma pauperis* (ECF No. 1) and a motion for appointment of
14 counsel (ECF No. 7).¹ Before the Court is the Report and Recommendation (“R&R” or
15 “Recommendation”) of United States Magistrate Judge William G. Cobb (ECF No. 16),
16 recommending the Court dismiss the action without prejudice and deny the remaining
17 pending motions as moot. Plaintiffs had until October 22, 2021, to file an objection. To
18 date, no objection to the R&R has been filed. For this reason, and as explained below,
19 the Court adopts the R&R, and will dismiss this action without prejudice.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the

¹Although Montalvo is a named plaintiff, she did not file a motion to proceed *in forma pauperis* and it is not facially apparent from the motion for appointment of counsel whether it is a joint motion.

1 findings and recommendations.") (emphasis in original); Fed. R. Civ. P. 72, Advisory
2 Committee Notes (1983) (providing that the Court "need only satisfy itself that there is no
3 clear error on the face of the record in order to accept the recommendation.").

4 Because there is no objection, the Court need not conduct de novo review, and is
5 satisfied Judge Cobb did not clearly err. Judge Cobb first notes that the Court issued an
6 order on August 18, 2021, advising Moultrie that he does not appear to be an attorney
7 licensed to practice in Nevada and therefore he could not initiate a complaint or file an
8 IFP application on behalf of Montalvo. (ECF No. 8.) The Court gave Plaintiffs 30 days for
9 Montalvo to submit her own completed IFP application and for Plaintiffs to jointly file a
10 complaint that is signed by them both, or, alternatively, for Moultrie to submit an amended
11 complaint that named only himself. (*Id.*) That time expired, and Plaintiffs took neither
12 course of action. Accordingly, Judge Cobb recommends that the case be dismissed
13 without prejudice, and that the pending motions be denied as moot. (ECF No. 16 at 2.)
14 The Court agrees with Judge Cobb. Having reviewed the R&R and the record in this case,
15 the Court will adopt the R&R in full.

16 It is therefore ordered that Judge Cobb's Report and Recommendation (ECF No.
17 16) is accepted and adopted in full.

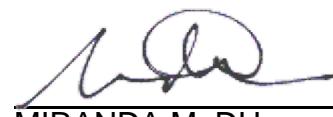
18 It is further ordered that this action is dismissed without prejudice.

19 It is further ordered that Moultrie's application to proceed *in forma pauperis* (ECF
20 No. 1) is denied as moot.

21 It is further ordered that Plaintiffs' motion for appointment of counsel (ECF No. 7)
22 is denied as moot.

23 The Clerk of Court is directed to close this case.

24 DATED THIS 26th Day of October 2021.

25
26 
27 MIRANDA M. DU
28 CHIEF UNITED STATES DISTRICT JUDGE